

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scharp, et al.
App. No	:	10/684,859
Filed	:	October 14, 2003
For	:	IMPLANTATION OF ENCAPSULATED BIOLOGICAL MATERIALS FOR TREATING DISEASES
Examiner	:	Carlos Azpuru
Art Unit	:	1615
Conf #	:	4801

SECOND FILING OF INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Interview Summary which was filed electronically on May 8, 2008, was non-responsive and should be disregarded. This second paper is responsive to the Interview summary from the Examiner faxed May 6, 2008.

Summary of Interview begins on page 2 of this paper.

Application No.: 10/684,859
Filing Date: October 14, 2003

SUMMARY OF INTERVIEW

Attendees, Date and Type of Interview

The interview was conducted on May 6, 2008 and attended by Carlos Azpuru, Liz Bui, Xiaojie Yu, and Jerry Hefner. (Note that the listing of participants on the Interview Summary faxed on May 6, 2008 is not correct.)

Exhibits and/or Demonstrations

Power Point presentation comparing claimed invention with WO 00/53159

Identification of Claims Discussed

all

Identification of Prior Art Discussed

WO 00/53159 (incorrectly indicated as WO 00/53154 on Examiner's interview summary)

Proposed Amendments

RCE with amendments was submitted February 29, 2008

Principal Arguments and Other Matters

Differences between the claimed invention and WO 00/53159 were pointed out as illustrated by the Power Point presentation.

Results of Interview

The Examiner recognized differences between WO 00/53159 and the claimed invention, but suggested incorporation of process steps because he asserted that process was critical to making the invention. Applicants' representative requested that the Examiner indicate the basis in the M.P.E.P. for such a requirement. The Examiner responded that such basis would be provided with the next Office Action.

The Examiner indicated that there were no issues with claims 98-109 and that the enablement rejection would be withdrawn with the next Office Action based upon the arguments originally presented with the After Final amendment.

Application No.: 10/684,859
Filing Date: October 14, 2003

REMARKS

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 9, 2008

By: Che Chereskin
Che Swyden Chereskin
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 760-0404

5260207
050808